

Notice of Allowability

Application No.

10/723,691

Applicant(s)

BUZEK ET AL.

Examiner

Art Unit

A. J. HEINZ

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed 15 February 2006.
2. ☒ The allowed claim(s) is/are 1-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 11/26/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

A. J. HEINZ
Primary Examiner
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EXAMINER'S COMMENT AND

EXAMINER'S AMENDMENT (see paragraph 6)

1. Applicant's election, with traverse, of the Group I invention [Cls. 1-33] in Paper dated 15 February 2006 is acknowledged.

The traversal is on the ground(s) that i) there has not been shown sufficient distinctness between the different groupings of the claimed inventions and ii) there is no significant burden for the examiner to examine both inventions.

This is not found to be persuasive because for instance i) that there are certain common elements between two sets of claims does equate to having identical inventions in both groupings; and for ii) the applicant has failed to provide substantive evidence showing, for example, that searching the additional varied and complex processes classified in class 73, when it is not required for the apparatus, would not place a greater burden upon the examiner.

The requirement is still deemed proper and is therefore made FINAL.

Claims 34-47 are withdrawn from further consideration by the examiner, pursuant to 37 CFR 1.142(b), as being drawn to a non-elected invention.

2. Claims 1-33 are allowed.

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3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ament, Hirano, Senzaki, Berry and Tran show other configurations/processes for balancing rotary mechanisms.

4. Formal drawings are now required in this application. Accordingly, replacement drawing sheets in compliance with 37 CFR 1.121(d) are required.

The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures.

5. If applicant has filed an information disclosure statement and this instant office action does not contain an initialed-off copy (or copies) of all such filed IDS's (or at least a comment to the disposition of such IDS'S in the body of the office action itself) applicant should apprise the examiner of such missing documentation [to the IDS's] in response to this office action so that the examiner can take appropriate action to supply same to the applicant.

EXAMINER'S AMENDMENT

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

7. This application is in condition for allowance except for the presence of claim 34-47 directed to an invention non-elected with traverse in the reply filed on 15 February 2006.

Claims 34-47 have been canceled as being directed to the non-elected invention.

Applicant may avail him/herself of their rights under 37 CFR 1.144 by filing a petition or other appropriate action pursuant to 37 CFR 1.312.

8. EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: the prior art does not show or reasonably teach/suggest to one of ordinary skill in the art to which said

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subject matter pertains to, the combination in a process for balancing a rotatable body utilizing a plug having first and second ends, and wherein a center of gravity of said balancing plug is closer to said first end than said second end;

including the steps of:

'executing a first disposing step comprising disposing a first said balancing plug in a first hole of a rotatable body; and

executing a second disposing step comprising disposing a second said balancing plug in a second hole of said rotatable body, wherein a position of said second said balancing plug in said rotatable body is inverted in relation to a position of said first said balancing plug within said rotatable body'.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. J. HEINZ whose telephone number is (571) 272-7587. The examiner can normally be reached on M-F 9:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DWAYNE BOST can be reached on (571)272-7023.

The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A. J. HEINZ
Primary Examiner
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A handwritten signature in cursive script, appearing to read "A. J. Heinz", with a long, sweeping underline that extends to the right.